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Message Text

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ACTION SNM-05

INFO OCT-01 ARA-14 ISO-00 PPTE-00 CA-01 DEAE-00 L-03
CIAE-00 INR-10 NSAE-00 JUSE-00 HA-05 H-02 /041 W
----------079312 191909Z /41
R 181541Z JUL 78
FM AMEMBASSY NASSAU
TO SECSTATE WASHDC 1308

UNCLAS NASSAU 1517

E.O. 11652: N/A
TAGS: SNAR, BF
SUBJECT: NARCOTICS LAWS

REF STATE 170187

THE NARCOTIC LAWS OF THE BAHAMAS ARE OUTLINED IN THE STATUTE LAW, REVISED EDITION 1965, CHAPTER 223, DANGEROUS DRUGS.

1. POSSESSION
(A) UNDER BAHAMIAN LAW ANY AND ALL ILLEGAL TRAFFIC IN NARCOTICS, INCLUDING OPIUM (RAW AND PREPARED), ANY EXTRACT OR TINCTURE OF INDIAN HEMP, MARIJUANA, MORPHINE AND ITS SALT, HEROIN, COCAINE (INCLUDING SYNTHETIC), THEBAINE AND ITS SALTS, AMPHETAMINES, PHOLCODINE, MORMETHODONE, ETC., ARE CLASSED TOGETHER AS DANGEROUS DRUGS.
(B) THERE IS NO SPECIFIC STATUS QUALIFYING THE AMOUNT FOR THE OPERATION OF AN OFFENSE. LOCAL MAGISTRATES HAVE APPLIED A RULE-OF-THUMB AS TO TYPE AND AMOUNT WHICH WILL EFFECT FINAL OUTCOME.
(C) PENALTIES FOR POSSESSION: WITHIN THE DISCRETION OF JUDICIAL AGENCIES AND ARE USUALLY REGARDED WITH THE SAME SEVERITY AS OTHER NARCOTIC OFFENSES.

2. TRAFFICKING
(A) BAHAMIAN LAW CONSOLIDATES ALL CONTROLLED SUBSTANCE
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INTO TWO OFFENSE CATEGORIES, IMPORTATION AND POSSESSION, WHEREUPON (B) ABOVE WOULD APPLY.
(B) PENALTIES IMPOSED DEPENDS UPON THE TYPE OF DRUG AND AMOUNT. MINIMAL PENALTY NOT DEFINED UNDER THE LAW. HOWEVER, LOCAL MAGISTRATES HAVE, ON OCCASION, IMPOSED SENTENCES RANGING FROM A SIMPLE CAUTION FOR POSSESSION OF A FEW GRAMS OF MARIJUANA FOUND IN A PART OF ONE CIGARETTE TO TEN

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YEARS IMPRISONMENT WITH A FIVE THOUSAND DOLLAR FINE, THE NON-PAYMENT OF THE FINE WOULD IMPOSE AN ADDITIONAL TEN YEARS IMPRISONMENT FOR SIZEABLE AMOUNT OF QTE HARD DRUGS UNQTE. A RECENT SEIZURE, FOR EXAMPLE, OF 274 POUNDS OF ILLEGAL COCAINE BROUGHT ABOUT A $1.5 MILLION BAIL FOR THE SUSPECTS. A CONVICTION OF SUCH A RECORD AMOUNT, WOULD, NO DOUBT, BRING THE ABSOLUTE MAXIMUM PENALTY. BAIL AND AMOUNT OF BAIL IS, IN SOME INSTANCES, DISCRETIONARY.
(C) ELEMENTS OF OFFENSE: ANY AMOUNT OF DANGEROUS DRUGS CAN CONSTITUTE AN OFFENSE.

3. CULTIVATION, PRODUCTION, ELABORATION
(A) PART I AND II OF THE ACT SPECIFICALLY PROHIBITS THE CULTIVATION AND PREPARATION OF CANNABIS COCA AND POPPY. PENALTIES FOR THE CULTIVATION AND PREPARATION WOULD BE IN KEEPING WITH THE PENALTIES IMPOSED FOR POSSESSION. THERE HASE BEEN NO REPORTED OFFENSE OF CULTIVATION OR PRODUCTION OF DANGEROUS DRUGS IN THE BAHAMAS.
(B) ILLEGAL.
(C) 3 (A) WOULD APPLY.

4. FINANCAIL
(A) NO. LOCAL MAGISTRATES MAY EXERCISE DISCRETION IN PROVEN CASES AND PROVIDE PENALTIES ACCORDINGLY. SINCE THE BAHAMAS ARE A TRANSIT RATHER THAN A CULTIVATION OR USER AREA, THE FINANCIAL ASPECT DOES NOT ENTER THE
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PICTURE.
(B) BAHAMIAN LAW PROHIBITS DISCLOSURE OF ANY BANK ACCOUNTS OR OTHER FINANCIAL DEALINGS OF PERSONS OR CONCERNS IN THE BAHAMAS.

5. CRIMINAL PROCEDURE
(A) THERE IS A 48-HOUR DETENTION LAW IN THE BAHAMAS. CONSULAR ACCESS IS PERMITTED DURING THIS PERIOD.
(B) DEPENDING UPON TIME OF ARREST, NOT TO EXCEED 48 HOURS.
(C) LENGTH OF TRIAL PROCESS WILL USUALLY DEPEND UPON THE AMOUNT OF DRUGS INVOLVED. THE NORMAL EVERDAY TYPE CASE (A FEW GRAMS OF MARIJUANA) THE PERSON INVOLVED WILL BE ARRAIGNED THE SAME DAY IF THE MAGISTRATE'S COURT IS IN SESSION. PERSONS INVOLVED WITH LARGER AMOUNTS WILL BE REMANDED TO CUSTODY UNTIL INVESTIGATION IS COMPLETED, NOT TO EXCEED 48 HOURS.
(I) LENGTH OF TRIAL WILL DEPEND, USUALLY ON AMOUNT OF DRUGS INVOLVED. IT CAN TAKE BUT A FEW MINUTES IN CASES WHERE A TINY AMOUNT OF "SOFT" DRUGS IS IN QUESTION. THE MAGISTRATE READS THE CHARGE, THE PUBLIC PROSECUTOR MAKES THE DETAILS KNOWN, A PLEA IS ENTERED AND IF THE PLEA IS GUILTY, SENTENCE IS HANDED DOWN. IN SUCH CASES, THE FINE

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MAY BE PAID ON THE SPOT AND THE PERSON IS RELEASED.
(II) & (III) IN CASES INVOLVING LARGE
QUANTITIES OF DRUGS, LOCAL LAWYERS ADVISE ENTERING A NON-GUILTY PLEA WHEREBY A BAIL WILL BE SET. USUALLY,
TRIAL IS SCHEDULED FROM TWO WEEKS TO A MONTH FROM THE DATE OF THE HEARING.
(D) NO. THERE ARE A NUMBER OF ADEQUATE LAWYERS WHO WILL TAKE NARCOTIC CASES AND USUALLY CHARGE WHAT THE TRAFFIC WILL BEAR, RANGING FROM $300 FOR A SIMPLE AND STRAIGHT-FORWARD CASE IN WHICH THE FINE WILL, ON OCCASION BE LESS THAN THE LAWYER'S FEE. UNDERSTANDABLY, LARGER QUANTITY CASES WILL BRING CONSIDERABLY HIGHER LAWYERS FEES.
(E) NO PROVISIONS FOR PAROLE. BAIL, AND IF GRANTED, THE POSTING OF AN APPEAL BOND AFTER A CONVICTION ARE THE ONLY
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FORMS OF LIBERTY AVAILABLE.
(F) MINOR OFFENDERS CASES ARE HEARD SEPARATELY IN JUVENILE COURT. POSSESSORS OF SMALL, OR ANY, AMOUNT ARE HEARD IN COURT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 18 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978NASSAU01517
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780296-0935
Format: TEL
From: NASSAU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780748/aaaaboii.tel
Line Count: 141
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d32f5171-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 170187
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1971703
Secure: OPEN
Status: NATIVE
Subject: NARCOTICS LAWS
TAGS: SNAR, PGOV, BF
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/d32f5171-c288-dd11-92da-001cc4696bcc
Review Markings:
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Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014